



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: May 10, 2013

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner, Long-Range Planning 

RE: #127-13: ALD. GENTILE, HARNEY, & SANGIOLO proposing to amend Chapter 30, Section 15(c)(1)b) of the City of Newton Zoning Ordinances by increasing the lot size from "at least five thousand (5,000) square feet of area" to "at least seven thousand (7,000) square feet of area".

MEETING DATE: May 13, 2013

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

INTRODUCTION

Petition #127-13 was discussed at the April 22, 2013 meeting of the Zoning and Planning Committee. Staff presented a memo at this meeting with the finding that the proposed amendment represented a decrease in the level of protection offered to property owners in the City as compared to that provided in Massachusetts General Laws Chapter 40A, Section 6. Further discussion and analysis by the Planning and Law Departments since the April 22nd meeting has re-affirmed this conclusion. The Planning Departments recommends the Committee concur that no action is necessary (NAN) on petition #127-13. Text from the Newton Zoning Ordinance and Massachusetts General Laws are provided below for reference.

Newton Zoning Ordinance: Section 30-15(c)

(c) Exceptions Applicable in Residential Districts.

Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall apply to any lot in a residential zoning district except to the extent that either the provisions of Massachusetts General Laws, Chapter 40A, Section 6, as in effect on January 1, 2001, or the following provisions, provide otherwise.

Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall not apply to any lot in a residential district if all of the following requirements are met:

(1) At the time of recording or endorsement, whichever occurred sooner, or on October 11, 1940 if the recording or endorsement occurred before October 11, 1940, the lot

a) conformed to the requirements in effect at the time of recording or endorsement, whichever occurred sooner, but did not conform to the increased requirements, and

b) had at least five thousand (5,000) square feet of area, and

c) had at least fifty (50) feet of frontage.

Massachusetts General Laws, Chapter 40A section 6

*Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but **at least five thousand square feet of area and fifty feet of frontage.***